

S/N 10/038,639

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Scherer et al.	Examiner:	D.H. Heckenberg, Jr.
Serial No.:	10/038,639	Group Art Unit:	1722
Filed:	January 4, 2002	Docket No.:	3616.213US01
Title:	CONCRETE BLOCK AND METHOD OF MAKING SAME (as amended)		

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Petition; Commissioner for Patents, Mail Stop Amendment, Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 on July 21, 2005.

By: 
Name: Sharon Trent

PETITION UNDER 37 C.F.R. § 1.47

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicants petition that this application be filed, despite not having the signature of inventor Paul Bailey. The assignee, Anchor Wall Systems, Inc., has submitted a Declaration Under Rule 63 that is signed by the other inventors, namely Ronald J. Scherer and David Matthew LaCroix. Inventor Paul Bailey has not returned a signed Rule 63 Declaration to assignee's attorneys.

The attorneys for the assignee, Anchor Wall Systems, Inc., sent a letter to Paul Bailey dated March 28, 2005 by way of Federal Express. The letter was sent to the last known address of Paul Bailey. The address was Paul Bailey, 2632 Highway 47, Mora, Minnesota 55051. The letter enclosed a copy of a Petition to Correct Inventorship Under 37 C.F.R. § 1.48(a) and 37 C.F.R. § 1.48(b); a Statement Made By Paul W. Bailey In Support of Petition to Correct Inventorship Under 37 C.F.R. § 1.48(a); a copy of the patent application as filed; a copy of the claims that were pending in the patent application as of March 28, 2005; a Combined Declaration

and Power of Attorney; and an Assignment. We have enclosed, as Exhibit A, a copy of the documents sent to Mr. Bailey. We have also enclosed, as Exhibit B, a document obtained from Federal Express showing that the package sent to Mr. Bailey was delivered on March 31, 2005 at 11:59 a.m. The letter to Mr. Bailey instructed him to return these signed documents to us by April 22, 2005. As of the date of this mailing, Mr. Bailey has not returned the signed documents.

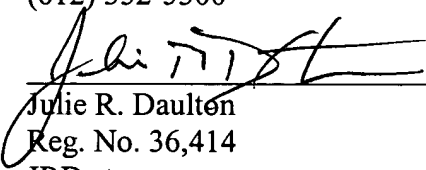
Mr. Bailey had agreed to assign his patent rights to Anchor Wall Systems, Inc., his employer at the time this invention was made. Mr. Bailey is no longer employed by Anchor Wall Systems, Inc.

Also submitted with this Petition is a document showing consent of the assignee in support of this Petition Under Rule 47. A certificate under 37 C.F.R. § 3.73(b) is also enclosed.

The fee under 37 C.F.R. § 1.17(h) is included herewith. If there are any other fees due, please charge our Deposit Account No. 13-2725. If there are any questions regarding these papers, Patent Office officials may contact the undersigned at the below listed telephone number.

Respectfully submitted,
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: 7-21-05


Julie R. Daulton
Reg. No. 36,414
JRD:st

23552

PATENT TRADEMARK OFFICE

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March 28, 2005

Paul Bailey
2632 Highway 47
Mora, MN 55051

Via Federal Express - Tracking # 6954 6330 4039

Re: Our Ref. No. 3616.0213US01
U.S. Patent Application Serial No. 10/038639 for:
MASONRY BLOCK AND METHOD OF MAKING SAME

Dear Paul:

In reference to our telephone call on February 15, 2005, a determination has been made that you should be named as a co-inventor on the above-referenced patent application to Anchor Wall Systems, Inc. as a result of your previous work with Anchor Wall Systems on this technology. The documents that are required to add you as a co-inventor are enclosed. In particular, the following documents are enclosed (I have indicated next to each document what you need to do with that document).

- 1) Petition to Correct Inventorship Under 37 CFR 1.48(a) and 37 CFR 1.48(b) - please review this document;
- 2) Statement Made By Paul W. Bailey In Support Of Petition To Correct Inventorship Under 37 CFR 1.48(a) - after reviewing document 1) above, please sign and date this document and return to me;
- 3) A copy of the patent application as filed (i.e. a copy of US 2003/0126821) including the specification, drawings and originally filed claims - please review US 2003/0126821;
- 4) A copy of the claims that are currently pending in the patent application - please review these claims;
- 5) A document titled Combined Declaration and Power of Attorney - after reviewing documents 3) and 4) above, please sign and date this document where indicated and return to me;
- 6) A document titled Assignment - please sign and date this in front of a notary and return the executed document to me.

Minneapolis/St. Paul
Denver
Seattle
Atlanta
Washington, DC

If you notice any errors in your information on any of these documents, please contact me.

I would appreciate receiving the executed documents from you by **April 22, 2005**. If I do not receive the documents by that date, I will assume that you refuse to execute the documents and we will proceed accordingly.

I look forward to receiving the executed documents in due course.

With kind regards,

A handwritten signature in black ink, appearing to read 'James A. Larson', with a stylized, flowing script.

James A. Larson

Enclosures: as itemized above